IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.644 of 2008
MITHILESH YADAV
Versus
THE STATE OF BIHAR
---

2. 19.12.2008. This revision has been preferred against the order dated 3.5.2008 passed by Assistant Sessions Judge-cum-C.J.M., Jehanabad in Sessions Trial No.30/88/04/2005 thereby the learned Assistant Sessions Judge has rejected the prayer of the petitioner to declare him as juvenile.

Heard the learned counsel for both the parties.

It is submitted by the learned counsel for the petitioner that in view of section 7A of the Juvenile Justice-cum-Care and Protection Act,2000, the petitioner is legally entitled to raise the question of juvenility at any stage and in that event, the trial court is bound to decide the matter in accordance with the provisions of the Act. The learned court has wrongly refused to decide the matter and declare the petitioner as juvenile.

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On the other hand, the learned counsel for the other side submitted that the question of juvenility has already been decided and concluded much earlier and now the petitioner cannot be allowed to re-agitate the matter.

Considered the submission of the learned counsel for both the parties and also the impugned order. It appears from the record that earlier in the year 2000, the petitioner raised the question of juvenility. The same was rejected on 5.7.2003 against

which he preferred Cr. Revision before the High Court. The High Court vide order dated 14.9.2004 (Annexure-3) rejected/dismissed the revision after holding that the lower court has given cogent reason to hold that Mithilesh Kumar was not juvenile on the date of the occurrence. The petitioner did not move apex court against that order. Thus,apparently, matter has already been concluded. Now, the petitioner has no right to re-agitate the matter. The court below has rightly refused to reconsider the matter.

Accordingly, this revision is dismissed.

(Ghanshyam Prasad)

N.H./

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